

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

LINDA J. ROBLES, as Personal
Representative of the Estate of
MIGUEL A. MERCADO, deceased,

Plaintiff,

v.

Case No. 8:19-cv-1293-T-60AAS

GEICO INDEMNITY COMPANY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Amanda A. Sansone, United States Magistrate Judge, entered on September 29, 2020. (Doc. 142). Judge Sansone recommends that “GEICO Indemnity Company’s Motion for Summary Judgment” (Doc. 114) be granted because no reasonable jury could conclude that GEICO acted in bad faith when handling the claim. On October 23, 2020, Plaintiff filed an objection to the report and recommendation. (Doc. 147). On November 6, 2020, GEICO filed a response to the objection. (Doc. 150).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no

requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Sansone's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sansone's detailed and well-reasoned factual findings and legal conclusions. The report and recommendation thoughtfully addresses the issues presented, and the objection does not provide a basis for rejecting the report and recommendation. Viewing the evidence in light most favorable to the Estate, the Court finds that no reasonable jury could conclude that GEICO acted in bad faith when handling this claim. Consequently, GEICO's motion for summary judgment is granted.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sansone's report and recommendation (Doc. 142) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.

- (2) “GEICO Indemnity Company’s Motion for Summary Judgment” (Doc. 114) is hereby **GRANTED**.
- (3) The Clerk is directed to enter judgment in favor of Defendant GEICO Indemnity Company, and against Plaintiff Linda J. Robles, as Personal Representative of the Estate of Miguel A. Mercado, deceased, on Count I of the complaint.
- (2) Following the entry of judgment, the Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 9th day of November, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE